

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ERIC WARE, and YUMBA LASUMBA,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 04-925-WDS
)	
JASON GARNETT, and)	
CHAPLAIN LOVE,)	
)	
Defendants.)	

ORDER

PROUD, Magistrate Judge:

Before the court is plaintiff Ware’s Objection to Magistrate [Judge]’s Order Denying Motion for Disqualification, which the court construes as a motion for reconsideration. (**Doc. 107**).

Plaintiff again asks the undersigned to recuse himself pursuant to 28 U.S.C. §144, which requires that a judge recuse himself when a party files a “timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party.” The affidavit must state “the facts and the reasons for the belief that bias or prejudice exists.”

Ware simply restates some of the allegations he made in his previous motion. As the court has already noted, the requirements of Section 144 “are to be strictly construed to prevent abuse.” *U.S. v. Sykes*, 7 F.3d 1331, 1339 (7th Cir. 1993). The motion and affidavit must show actual bias on the part of the judge, meaning “personal animus or malice.” *U.S. v. Balistrieri*, 779 F.2d 1191, 1201 (7th Cir. 1985).

The movant must prove the existence of actual bias or prejudice by “compelling evidence.” *Hook v. McDade*, 89 F.3d 350, 355 (7th Cir. 1996).

Plaintiff has not offered any legally sufficient facts to demonstrate bias. He has only shown that he disagrees with this judge’s rulings. However, bias must arise from an extrajudicial source. Disagreement with a judge’s rulings does not suffice to show bias or prejudice; “judicial rulings are grounds for appeal, not disqualification.” *Hook, supra; U. S. v. Amick*, 439 F.2d 351, 369 (7th Cir. 1971).

It is the duty of a judge not to recuse when no grounds for recusal exist. *U. S. v. Ming*, 466 F.2d 1000, 1004 (7th Cir. 1972).

Upon consideration and for good cause shown, plaintiff Ware’s Objection to Magistrate [Judge]’s Order Denying Motion for Disqualification, construed as a motion for reconsideration (Doc. 107) is **DENIED**.

IT IS SO ORDERED.

DATE: January 25, 2008.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE